

REMARKS:

Claims 5, 7-12, 14, 17, 18, 20, 22-24, 54-56, 58-60, and 66-68 are amended as indicated above. Claims 1-25 and 52-68 are pending upon entry of this amendment.

Response to Rejection Under 35 USC § 103(a)

In paragraph 4 of the Office action, Examiner rejected claims 1-25, 52-68 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,960,406 to Rasansky et al. (“Rasansky”) in view of an article titled “SeeUthere.com Launches First End-to-End Online Event planning Site” (“SeeUthere.com”). This rejection is respectfully traversed.

The Examiner acknowledges that Rasansky does not “specifically teach information indicative of RSVP fees required to attend said scheduled event and an affirmative response to said invitation requires a payment as defined by said RSVP fees.” The Examiner relies on SeeUthere.com for this teaching. However, SeeUthere.com is not prior art to the instant application.

35 USC § 103(a) recites:

(a) A patent may not be obtained though the invention is not identically disclosed or described **as set forth in section 102 of this title...**

(Emphasis added). Therefore, a reference applied under 35 USC § 103(a) must also qualify as § 102 prior art.

Applicants respectfully submit that SeeUthere.com does not qualify as prior art because it is a press release describing Applicants’ own invention. In support of this conclusion, Applicants submit a Declaration under 37 CFR § 1.132 of John Chang, one of the

named inventors of this application. As set forth in Mr. Chang's Declaration, SeeUthere.com discloses subject matter derived from the joint inventors of this application.

The SeeUthere.com reference is not prior art under 102(a). MPEP 706.02(a) recites that "For 35 U.S.C. 102(a) to apply, the reference...must not be applicant's own work." See MPEP 706.02(a)(II)(C). As set forth in Mr. Chang's Declaration, SeeUthere.com describes Applicants' own work and does not qualify as a prior art under 35 USC § 102(a). See MPEP 716.10.

In addition, the SeeUthere.com reference is not prior art under 102(b). To qualify as 102(b) prior art, the reference must have published more than one year prior to the priority date of the application. The instant application is a continuation of U.S. Patent Application 09/597,969, filed on June 20, 2000. The SeeUthere.com reference was published on September 28, 1999. Therefore, the SeeUthere.com reference was published less than one year prior to the priority date of this application and does not qualify as a prior art under 35 USC § 102(b). See MPEP 716.10.

The SeeUthere.com reference also does not qualify as a prior art under the remaining sections of 102. For these reasons, and in view of the declaration, Applicants respectfully submit that the pending claims are allowable over the cited references, and request that the application be passed to issue. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully Submitted,
JUSTIN T. NGUYEN ET AL.

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